

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 11-87 (MJD/JJK)

(1) JULIAN N. OKEAYAINNEH,

Defendant.

Ann M. Anaya, Assistant United States Attorney, Counsel for Plaintiff.

Jean M. Brandl, Cloutier & Brandl, P.A., Counsel for Defendant.

The above-entitled matter comes before the Court upon the Order and Report and Recommendation of United States Magistrate Judge Franklin L. Noel filed October 11, 2011. Defendant appealed the Order and filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Franklin L. Noel filed October 11, 2011.

This Court will reverse a magistrate judge's order on a nondispositive issue if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); D. Minn. L.R. 72.2(a). The Court has reviewed the submissions and the record in this case and concludes that Magistrate Judge Noel's October 11, 2011 Order is neither clearly erroneous nor contrary to law. Therefore, the October 11 Order is affirmed.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Franklin L. Noel filed October 11, 2011 [Docket No. 481].
2. To the extent Defendant's Motion for Reconsideration and Dismissal Based on Prosecutorial Misconduct [Docket No. 445] seeks to dismiss the complaint and indictment, it is **DENIED**.
3. The Court **AFFIRMS** the Order of United States Magistrate Judge Franklin L. Noel filed October 11, 2011 [Docket No. 480].

Dated: December 15, 2011

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court